



The Assam Right to Public Services Act, 2012

Act No. 9 of 2012

Amendments appended: 7 of 2019, 22 of 2024, 2 of 2025

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THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 194 দিশপুৰ, বুধবাৰ, 2 মে', 2012, 12 ব'হাগ, 1934 (শক)

No.194 Dispur, Wednesday, 2nd May, 2012, 12th Baisakha, 1934 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 2nd May, 2012

No. LGL 18/2012/57.— The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. IX OF 2012

(Received the assent of the Governor on 27th April, 2012)

THE ASSAM RIGHT TO PUBLIC SERVICES ACT, 2012

AN ACT

to provide for the delivery of notified public services to the people of the State of Assam within the stipulated time limit and for matters connected therewith and incidental thereto.

Preamble

Whereas it is expedient to provide for the delivery of notified public services to the people of the State of Assam within the stipulated time limit and for matter concerned therewith or in incidental thereto;

It is hereby enacted in the Sixty-third Year of the Republic of India as follows:

Short title, extent and commencement

1. (1) This Act may be called the Assam Right to Public Services Act, 2012.

(2) It extends to the whole of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Application

2. This Act shall apply to Government Servants, but shall not apply to, -

- (i) persons appointed on casual or daily rates basis;
- (ii) persons employed on contract except when the contract provides otherwise;
- (iii) persons whose terms and conditions of services are expressly provided in the Constitution.

Definitions

3. In this Act, unless the context otherwise requires, -

- (a) "Appellate Authority" means an authority including one belonging to the local self government who is notified as such under section 4, who shall be empowered to impose cost on the Government Servant defaulting or delaying the delivery of services in accordance with this Act;

- (b) "application" means a written request by an eligible person to provide notified services under this Act;
- (c) "Designated Public Servant" means an authority including one belonging to the local self government and organizations, fully or partially funded by the State Government, notified as such for providing the service under section 4;
- (d) "eligible person" means a citizen who is eligible for obtaining the notified service; "
- (e) "prescribed" means prescribed by the rules made under this Act;
- (f) "Reviewing Authority" means an authority including one belonging to the local self government who is notified as such under section 4;
- (g) "Government Servant" means a person appointed substantively to any civil service or post in connection with the affairs of the State Government including person working on deputation basis; and person appointed in a local body which is owned, controlled or substantially financed by the State Government;
- (h) "Right to Public Service" means right to obtain the notified service under this Act from time to time within the stipulated time limit as described under section 5 ;

- (i) "notified service" means any service notified by the State Government under section 4;
- (j) "State Government" means the Government of Assam;
- (k) "stipulated time limit" means maximum time to provide the service by the Designated Public Servant or to decide the appeal by the Appellate Authority and Reviewing Authority as notified under section 4 ;
- (l) "notification" means a notification published in the Official Gazette;
- (m) "rules" means rules made by the State Government under this Act ;
- (n) "Year" means the calendar year commencing on the 1st day of January of the Year and ending on the 31st day of December.

Notification of services,
Designated Public Servant, Appellate Authority, Reviewing Authority, User Charge and stipulated Time Limits

4. The State Government may, from time to time, notify the services including provisions for fast track service delivery ("Tatkal Sewa"), Designated Public Servants, Appellate Authorities, Reviewing Authorities, User Charge, Stipulated Time Limits, and the area of the State to which this Act shall apply.

Right of citizens to obtain time bound delivery of services

5. Every eligible person shall have the right to obtain the services in accordance with this Act within the time bound period as notified under section 4.

**Liability of
Government
Servant to deliver
services within the
stipulated period**

6. (1) The Designated Public Servant shall provide the notified services under section 4 to the eligible person within the stipulated time limit.

(2) The Designated Public Servant may seek the assistance of any other officer or employee connected with the delivery of that particular notified service as he may consider necessary for the proper discharge of his duties under sub-section (1).

(3) Any officer or employee, whose assistance has been sought under sub-section (2), shall render all assistance to the Designated Public Servant seeking his assistance and for any contravention of the provision of this Act, such other officer or employee, whose assistance has been sought, shall be treated a Designated Public Servant under this Act for such contravention.

**Providing notified
services within
stipulated time
limit**

7. (1) The stipulated time limit shall start from the date when the application for obtaining a required notified service is submitted to the Designated Public Servant or to a person sub-ordinate to him authorized to receive the application. Such application shall be duly acknowledged.

(2) The Designated Public Servant on receipt of an application under sub-section (1) shall, within the stipulated time limit, provide the notified service or reject the application and in case of rejection of application, he shall record the reasons in writing and communicate to the person making the application, –

- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the Appellate Authority.

Appeal

8. (1) Any person, whose application is rejected under sub-section (2) of section 7 or who has not been provided the notified service within the stipulated time limit, may file an appeal to the Appellate Authority within thirty days from the date of rejection of application or the expiry of the stipulated time limit. Filing of such appeal shall be duly acknowledged by the Appellate Authority by providing the Appellant a signed receipt of the same:

Provided that the Appellate Authority may admit the appeal after the expiry of the period of thirty days but in no case beyond sixty days from the date of rejection of application or the expiry of the stipulated time limit for delivery of that particular notified service, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

Provided further that in case of rejection of an application for a notified service for which any other law for the time being in force prescribes remedy, the applicant shall follow the process under such law for the time being in force.

- (2) (a) The Appellate Authority may order the Designated Public Servant to provide the notified service within the stipulated time limit as specified in the notification under section 4 for that service or may reject the appeal and in case of rejection of the appeal, the Appellate Authority shall record the reasons of rejection in his order.

(b) Along with the order to provide the notified service, the Appellate Authority may impose penalty according to the provisions of section 9 of this Act.

- (3) The Designated Public Servant or the Applicant aggrieved by any order of the Appellate Authority, may make a second appeal within thirty days from the date of that order to the Reviewing Authority, who shall dispose of the appeal according to the prescribed procedure:

Provided that the Reviewing Authority may entertain the second appeal after the expiry of thirty days but in no case beyond sixty days from the date of order of the Appellate Authority, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (4) If the Designated Public Servant does not comply with provisions of the order for providing the notified service under sub-section (2) of section 8, the applicant aggrieved by such non-compliance may submit an application to the Appellate Authority who shall dispose of the application as per provision of sub-section (2) of section 8 :

Provided that the Designated Public Servant or the Applicant aggrieved by any order of the Appellate Authority, may make an appeal within thirty days from the date of that order to the Reviewing Authority, who shall dispose of the appeal according to the prescribed procedure.

(5) The Appellate Authority and Reviewing Authority shall, while deciding an appeal under this section, have the same powers as are vested in a Civil Court while trying

a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely :-

Central Act
5 of 1908

- (a) requiring the production and inspection of documents;
- (b) issuing summons for hearing to the Designated Public Servant and appellant; and
- (c) any other matter which may be prescribed.

Penalty

9. (1) (a) Where the Appellate Authority is of the opinion that the Designated Public Servant has failed to provide the notified service without sufficient and reasonable cause, he may impose a lump-sum penalty at the rate specified from time to time as prescribed in the rules framed under this Act.

(b) Where the Appellate Authority is of the opinion that the Designated Public Servant has caused delay in providing the notified service without sufficient and reasonable cause, he may impose a penalty at the rate specified from time to time as prescribed in the rules framed under this Act for such delay on the Designated Public Servant:

Provided that the Designated Public Servant shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

(2) Where the Reviewing Authority is of the opinion that the Appellate Authority has failed to decide the appeal within the stipulated time limit without any sufficient and reasonable cause, he may impose a penalty on Appellate Authority at the rate specified from time to time as prescribed in the rules framed under this Act:

Provided that the Appellate Authority shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

(3) The penalty as imposed under the above provisions of the Act shall be charged from the Designated Public Servant, Appellate Authority and concerned subordinate staff, as the case may be and in the proportion to be decided by the Appellate Authority or the Reviewing Authority, as the case may be, as prescribed in the rules framed under this Act from time to time.

(4) The penalty so imposed shall be in addition to that provided in any other Act, rules, regulations and notifications already existing.

**Non-Compliance
amounting to
misconduct**

10. Non-compliance of the orders of the Appellate Authority, unless pending in second appeal or modified by the Reviewing Authority, or of the orders of the Reviewing Authority shall amount to misconduct and make the concerned person liable for actions under related provisions, including those that have been laid down for disciplinary action.

**Bar on
jurisdiction of Civil
Court**

11. No Civil Court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal as specified under this Act.

**Power of the State
Government to send
the applications to
Appellate Authority
directly**

12. Notwithstanding any other provisions of this Act, the State Government, if it receives an application alleging non-compliance of the provisions of this Act, may send the same directly to the Appellate Authority for taking further actions as per the provision of this Act.

**Protection of action
taken in good faith**

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Overriding effect of the Act	14. In relation to the notified services under this Act and its implementation, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
Power to make rules	<p>15. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.</p> <p>(2) Every rule made under this section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in the session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following , the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made the rule shall thereafter have effects only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>
Power to remove difficulties	16. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order, not inconsistent with the provisions of this Act, remove the difficulty.

MOHD. ABDUL HAQUE,
Secretary to the Govt. of Assam,
Legislative Department, Dispur



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PUBLISHED BY THE AUTHORITY

নং 382 দিশপুৰ, বুধবাৰ, 4 ছেপ্টেম্বৰ, 2019, 13 ভাদ, 1941 (শক)
No. 382 Dispur, Wednesday, 4th September, 2019, 13th Bhadra, 1941 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT ::: LEGISLATIVE BRANCH

NOTIFICATION

The 4th September, 2019

No. LGL. 27/2019/9.— The following Act of the Assam Legislative Assembly which received the assent of the **Governor on 26th August, 2019** is hereby published for general information.

ASSAM ACT NO. VII OF 2019
(Received the assent of the Governor on 26th August, 2019)
THE ASSAM RIGHT TO PUBLIC SERVICES (AMENDMENT)
ACT, 2019

AN ACT

further to amend the Assam Right to Public Services Act, 2012.

Preamble

Whereas it is expedient further to amend the Assam Right to Public Services Act, 2012, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Assam
Act IX of
2012**

It is hereby enacted in the Seventieth Year of the Republic of India as follows :-

Short title, extent and commencement

1. (1) This Act may be called the Assam Right to Public Services (Amendment) Act, 2019.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Amendment of section 3

2. In the principal Act, in section 3,-

- (i) after clause (b), the following new clauses (ba), (bb), and (bc), shall be inserted, namely: -

“(ba) “Chief Commissioner” or the “Commissioner” means the Chief Commissioner of the Assam State Commission for Right to Public Services or the Commissioner, Assam State Commission for Right to Public Services, as the case may be, appointed under sub-section (3) of section 8A;

(bb) “Commission” means the Assam State Commission for Right to Public Services constituted under sub-section (1) of section 8A;

(bc) “Competent Authority” means the Disciplinary Authority or the Controlling Officer of the Designated Public Servant; ”

- (ii) in clause (f), for the existing provision, the following shall be substituted, namely :-

“ (f) “Public Authority” means –

- (i) any Department or authority of the State Government;
- (ii) any organization or authority or body or corporation or institution or a local authority, established or constituted,-

- (a) by or under the Constitution of India in the State, or
- (b) by any other law made by the State Legislature, or
- (c) by notification issued by the State Government

(iii) and shall also include,-

- (a) an institution, a cooperative society, a Government Company or an authority owned, controlled or financed by the State Government; or
- (b) any non-Governmental organization receiving financial assistance from the State Government; ”

(iii) in clause (k), the words “and Reviewing Authority” shall be deleted.

Substitution of section 4

3. In the principal Act, for section 4, the following shall be substituted, namely :-

“Notification of Services, Designated Public Servant, Appellate Authority, User Charges and Stipulated time limit

4. (1) The State Government shall notify the public services rendered by it including provisions for fast track service delivery, along with user charges and stipulated time limit.

(2) Public Authority shall appoint Designated Public Servants in the administrative units/offices under it, as may be necessary to provide notified services to the persons requesting for the services notified under this Act.

(3) Public Authority shall also notify an officer superior in rank than that of the Designated Public Servant to act as Appellate Authority to hear and decide the appeal filed by an eligible person against rejection of his application or delay in providing notified Public Services within the stipulated time limit.

(4) The State Government shall endeavor and encourage the Public Authorities, to deliver notified Public Services electronically within the stipulated time limit.”

Substitution of section 8

4. In the principal Act, for section 8, the following shall be substituted, namely :-

**"Appeal and
Second Appeal**

8. (1) Any person who, does not get notified service within the stipulated time limit specified under section 4 or is aggrieved by a decision of the Designated Public Servant, may, within 30 days from the expiry of the stipulated period or from the date of receipt of such decision, as the case may be, prefer an appeal to the Appellate Authority notified under sub-section (3) of section 4:

Provided that the Appellate Authority may admit the appeal after the expiry of 30 days if he or she is satisfied that the Appellant was prevented by sufficient cause from filing the appeal in time.

- (2) The Appellate Authority may order the Designated Public Servant to provide the notified service within the stipulated time limit as specified in the notification under section 4 for that service or may reject the appeal and in case of rejection of the appeal, the Appellate Authority shall record the reasons in writing for rejection of the appeal in his order:

Provided that, before deciding the appeal, the Appellate Authority shall give reasonable opportunity of being heard to the Appellant as well as the Designated Public Servant.

- (3) An appeal under sub-section (1) shall be disposed of within 30 days from the date of filing of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, for reasons to be recorded in writing, as the case may be.
- (4) The Applicant aggrieved by any order of the Appellate Authority, may make a Second Appeal within sixty days from the date of receipt of the order of the Appellate Authority in the appeal before the Commission.
- (5) The Commission shall dispose of the Second Appeal by following such procedure as may be prescribed:

Provided that the Commission may entertain the Second Appeal after the expiry of said sixty days, but in no case beyond ninety days from the date of receipt of the order of the

Appellate Authority by the Appellant, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (6) In any appeal proceeding, the onus to prove that a denial of a service was justified shall be on the Designated Public Servant, who denied the service.
- (7) The decision of the Commission in a Second Appeal shall be binding on the Appellant and the Designated Public Servant.
- (8) The Appellate Authority and the Commission while deciding an appeal or a Second Appeal, as the case may be, under this section, have the same power as vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of any of the matters, namely :-
 - (a) requiring the production and inspection of documents;
 - (b) issuing summons for hearing to the Designated Public servant;
 - (c) any other matter as may be prescribed."

**Central
Act V of
1908**

Insertion of new
sections 8A, 8B,
8C, 8D and 8E

5. In the principal Act, after section 8, the following new sections shall be inserted, namely: -

"Assam State
Commission for
Right to Public
Services

8A.(1)The State Government shall, by notification in the Official Gazette, constitute a body to be known as the Assam State Commission for Right to Public Services to exercise the powers conferred on, and to perform the functions assigned to it under this Act:

Provided that till the Commission is constituted, the Assam Administrative Tribunal shall exercise the powers and perform the functions of the Commission under this Act with effect from such date as may be notified by the State Government in this behalf in the Official Gazette.

- (2) The Commission shall consist of the following members, namely :-
 - (a) the Chief Commissioner; and
 - (b) such number of Commissioners not less than two and not exceeding four, as may be decided by the State Government, from time to time .

- (3) The Chief Commissioner and the Commissioners shall be appointed by the State Government.
- (4) The general superintendence, direction and management of the affairs of the Commission shall vest in the Chief Commissioner, who shall be assisted by the Commissioners.
- (5) The Chief Commissioner shall be appointed from amongst the retired officers of the State Government who had held a post not lower in rank than that of an Additional Chief Secretary to the Government of Assam having wide range of experience in the field of Public Administration.
- (6) Not less than two Commissioners shall be appointed from amongst the persons who have held a post in the State Government not lower in rank than that of a Commissioner and Secretary to the Government of Assam and in case it is decided by the State Government to appoint more than two Commissioners, the rest of the Commissioners shall be appointed from persons of eminence in public life with wide knowledge and experience in the field of Law, Science and Technology or Social Services.
- (7) The Chief Commissioner and the Commissioners shall not be a Member of Parliament or Member of the Legislature of any State or Union Territory or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
- (8) The Head Office of the Commission shall be at Guwahati or at such other place as the State Government may notify, from time to time.
- (9) The Commission shall be a body corporate, known by the name as mentioned in sub-section (1) having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to contract and shall, by the said name, sue or be sued.

**Terms of Office
and conditions of
service**

- 8B.(1) The Chief Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for re-appointment :

Provided that no Chief Commissioner shall hold office as such after he has attained the age of sixty-five years.

- (2) Every Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for re-appointment as such Commissioner:

Provided that every Commissioner shall be eligible for appointment as the Chief Commissioner on vacating office by the Chief Commissioner, in the manner as specified in sub-section (3) of section 8A:

Provided further that where the Commissioner is appointed as the Chief Commissioner, his term of office shall not be more than five years in aggregate as the Commissioner and the Chief Commissioner.

- (3) The Chief Commissioner or a Commissioner may, at any time, by writing under his hand resign from his office:

Provided that the Chief Commissioner or a Commissioner may be removed in the manner specified under section 8C.

- (4) The salaries and allowances payable to and other terms and conditions of service of,—
- (a) the Chief Commissioner shall be the same as that of the Chief Secretary of the State Government.
 - (b) the Commissioners shall be the same as that of the Commissioner and Secretary of the State Government:

Provided that if the Chief Commissioner or a Commissioner, as the case may be, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service rendered by him under the Government of India or the Government of a State, his salary in respect of the service as the Chief

Commissioner or a Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity :

Provided further that, if the Chief Commissioner or a Commissioner, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government Company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Commissioner or a Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chief Commissioner and the Commissioners shall not be varied to their disadvantage after their appointment.

- (5) The State Government shall provide the Chief Commissioner and the Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed as such for the purpose of this Act shall be such as may be prescribed.

**Removal of the
Chief
Commissioner
and the
Commissioners.**

8C. (1) The Chief Commissioner or a Commissioner shall be removed from his office only by order of the State Government on the ground of proved misbehavior or incapacity, if established by an enquiry conducted by a retired Judge of the High Court.

- (2) The State Government may suspend the Chief Commissioner and Commissioners from office, and if deems necessary prohibit them also from attending the office during inquiry.

(3) Notwithstanding anything contained in sub-section (1), the State Government may by order remove from office the Chief Commissioner or a Commissioner if the Chief Commissioner or a Commissioner, as the case maybe ,-

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Commissioner or a Commissioner.

**Powers and
functions of the
Commission**

8D.(1) It shall be the duty of the Commission to ensure proper implementation of this Act and to make suggestions to the State Government for ensuring better delivery of services. For this purpose, the Commission may,-

- (a) entertain and dispose of appeal under section 8;
- (b) recommend Departmental action against any officer or employee of the State Government who has failed in due discharge of functions cast on him under this Act;
- (c) recommend changes in procedures for delivery of services which shall make the delivery more transparent and easier:

Provided that before making such a recommendation, the Commission shall consult the Authority of the concerned Administrative Department which is to deliver the services;

- (d) recommend steps to be taken by Public Authority for efficient delivery of Public Services.

(2) Subject to the previous approval of the State Government, the Commission shall frame regulations, not inconsistent with the provisions of this Act and rules made thereunder, for regulating its own procedure and disposal of its business.

(3) The regulations made under sub-section (2) shall be published in the Official Gazette.

Action by the
Government on
recommendations
of the
Commission

8E. The State Government shall consider the recommendations made by the Commission under clauses (b)(c) and (d) of sub-section (1) of section 8D and send information to the Commission of action taken within thirty days or such longer time as may be decided in consultation with the Commission. In case the Government decides not to implement any of the recommendations of the Commission, it shall communicate the reasons for not acting on such recommendations to the Commission."

Substitution of
section 9

6. In the principal Act, for section 9, the following shall be substituted, namely:-

"Penalty

9 (1) If the Commission is of the opinion that the Designated Public Servant has refused to receive an application for notified services or has failed to provide the notified public services within stipulated time as fixed under the Act or malafidely denied the request for notified Services or obstructed in any manner in providing the notified services without sufficient and reasonable cause, then the Commission shall impose a penalty of two hundred and fifty rupees for each day of delay after completion of the stipulated time limit for providing the particular notified service, provided however, that the total amount of such penalty shall not exceed twenty five thousand rupee in all :

Provided that the Designated Public Servant shall be given a reasonable opportunity of being heard before such penalty is imposed upon him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Designated Public Servant.

(2) Where the Commission, at the time of deciding

any appeal is of the opinion that the Designated Public Servant has without any reasonable cause, persistently, failed to receive an application for notified Services or has not provided the service within the stipulated time limit or malafidely denied the request or obstructed in any manner in providing the service for notified services, it shall recommend for disciplinary action against the Designated Public Servant under the service rules applicable to him :

Provided that the Designated Public Servant shall be given a reasonable opportunity of being heard before any penalty is imposed on him."

Substitution of section 10.

" Procedure for recovery of Penalty.

7. In the principal Act, for section 10, the following shall be substituted, namely :-

10. The Commission shall communicate to the concerned Designated Public Servant as well as the Public Authority concerned about the amount of penalty imposed under section 9, in writing. The concerned Designated Public Servant shall pay the amount of penalty within a period of 30 days in the State Government Head of Account as may be specified by the State Government by notification in the Official Gazette in this behalf, failing which the Competent Authority shall recover the amount of penalty from the salary of the concerned Designated Public Servant by issuing necessary order in this regard."

S. M. BUZAR BARUAH,

Commissioner & Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং ৪৪২ দিশপুৰ, শুক্ৰবাৰ, ২৭ ছেপ্টেম্বৰ ২০২৪, ৫ আশ্বিন, ১৯৪৬ (শক)
No. 442 Dispur, Friday, 27th September, 2024, 5th Asvina 1946 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 27th September, 2024

No. LGL.6/2023/19.— The following Act of the Assam Legislative Assembly which was assented by the Governor of Assam on 25th September, 2024 is hereby published for general information.

ASSAM ACT NO. XXII OF 2024

(Received the assent of the Hon'ble Governor on 25th September, 2024)

**THE ASSAM RIGHT TO PUBLIC SERVICES
(AMENDMENT) ACT, 2024**

AN ACT

further to amend the Assam Right to Public Services Act, 2012.

Preamble

Whereas it is expedient to amend the Assam Right to Public Services, Act, 2012, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act No.
IX of
2012

It is hereby enacted in the Seventy-fifth year of the Republic of India as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Right to Public Services (Amendment) Act, 2024.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
section 3

2. In the principal Act, in section 3,
 - (i) for clause (a), the following shall be substituted, namely :-

“(a) “First Appellate Authority” means an officer including one belonging to the Local Authority and Local Self Government and Organization, receiving financial (tangible or intangible) assistance from the State Government, notified as such by the concerned public authority for providing the services under sub-section (3) of section 4 of the Act.”
 - (ii) for clause (c), the following shall be substituted, namely :-

“(c) “Designated Public Servant” means an authority including one belonging to the Local Authority, receiving financial (tangible or intangible) assistance from the State Government, notified as such by the concerned public authority for providing the service under sub-section(2) of section 4.”
 - (iii) in clause (g), in fifth line, for the word “body” appearing in between the words “local” and “which is”, the word “authority” shall be inserted;
 - (iv) in clause (k), in fourth line, after the word and figure “section 4”, appearing at the end, the words “but shall not include the waiting time required for additional information as sought by the applicant,” shall be inserted;
 - (v) in clause (n), for the punctuation mark “.”, appearing at the end, the punctuation mark “;” shall be substituted and thereafter, the following new clauses (o), (p) and (q) shall be inserted, namely :-

- “(o) “Second Appellate Authority” means the Head of the Administrative Department as notified under sub-section (3) of section 4 of the Act;
- (p) “Local Authority” means any Authority, Universities, Municipal Corporation, Municipal Board, Industrial Township, Planning Authority, Zila Parishad, Gaon Panchayat and other Local Self Governments constituted by law; and also includes development Authorities and other statutory or non- statutory bodies receiving financial (tangible or non-tangible) assistance from the State Government;
- (q) “Link Officer” means the officer who shall hold the charge of the duties of the absentee officer for ensuring timely delivery of work.”

Amendment of
section 4

3. In the principal Act, in section 4,

- (i) for sub-section (1), the following shall be substituted, namely:-

“(1) The Public Authority from time to time shall notify the public services rendered by it including the fast track service delivery fixed along with user charges and time limit fixed for such services.”

- (ii) after sub-section (1), the following new sub-section shall be inserted, namely:-

“(1A) The Public Authority shall display in the notice board of the office and in the website of the office or department about the notified services rendered by the Public Authority along with the name and designation of the Designated Public Servant, First Appellate Authority and the Second Appellate Authority.”

- (iii) for sub-section (3), the following shall be substituted namely:-

“(3) The Public Authority from time to time shall notify an officer superior in rank than that of the Designated Public Servant to act as the First Appellate Authority and shall also notify another officer superior in rank than that of the First Appellate Authority to act as the Second Appellate Authority to hear the first appeal and second appeal and decide following due procedure of law.”

Amendment of
section 7

4. In the principal Act, in section 7,

(i) for sub-section (1), the following shall be substituted, namely :-

“(1) The stipulated time limit for providing the service delivery shall start from the next day of the date, on which the application for obtaining a notified public service has been received by the Designated Public Servant or by a person subordinate to him, who is authorized to receive such application on behalf of the Designated Public Servant or by a person authorized in this behalf. On receipt of an application for a public service, the same shall be acknowledged by the Designated Public Servant or by his authorised representative and a unique identification number shall be provided to the applicant physically or generated in the portal itself, specifically designed for the said purpose by the Government in such form as may be prescribed.”

(ii) after sub-section (2), the following new sub-sections shall be inserted, namely:-

“(3) Subject to the legal, technical and financial feasibility, every Designated Public Servant shall provide the notified services within the stipulated time :

Provided that the stipulated time limit may be extended during the period of elections or in the event of natural calamities or any disaster as mentioned under clause (d) of section 2 of the Assam Disaster Management Act, 2005, which shall be as may be notified by the Public Authority in the Official Gazette.

(4) The public authority shall provide Link Officer for temporary absence of the Designated Public Servant for continuous and uninterrupted service delivery in a manner as may be prescribed.”

Central
Act No.
53 of
2005

Amendment of
section 8

5. In the principal Act, in section 8,

(i) in sub section (1), in the seventh and eight line, for the word “Appellate Authority” the word “First Appellate Authority” shall be substituted;

(ii) in sub section (2), in first, sixth and tenth line, for the word “Appellate Authority” the word “First Appellate Authority” shall be substituted;

(iii) in sub-section (3), in the fourth line, in between the words “forty-five days” and “from the”, the words “or within such extended period as notified under sub-section (3) of section 7” shall be inserted;

- (iv) for sub-section (4), the following shall be substituted, namely:-

“(4) The Applicant or Designated Public Servant aggrieved by an order of the First Appellate Authority may make a second appeal before the Second Appellate Authority within sixty days from the date of receipt of the order of the First Appellate Authority:

Provided that the Second Appellate Authority may admit the appeal after the expiry of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the second appeal in time.”

- (v) after sub-section (4), the following new sub-sections shall be inserted, namely:-

“(4a) The Second Appellate Authority shall dispose of the appeal within sixty days from the date of filing or within such extended period not exceeding a period of seventy-five days or within such extended period as may be notified under sub-section (3) of section 7 from the date of filing thereof, for reasons to be recorded in writing, as the case may be.

(4b) The applicant or Designated Public Servant or the First Appellate Authority aggrieved by any order of the Second Appellate Authority may prefer a third appeal before the Commission within ninety days from the date of receipt of the order of the Second Appellate Authority:

Provided that the Commission may admit an appeal beyond the period of ninety days, if it is satisfied that the Appellant was prevented by sufficient cause from filing the appeal in time, which in no case shall be beyond the period of hundred twenty days.”

- (vi) for sub-section (5), the following shall be substituted, namely:-

“(5) The Commission shall dispose of the third Appeal by following such procedure as may be prescribed.”

- (vii) for section (7), the following shall be substituted, namely:-

“(7) The decision of the Commission in the third appeal shall be binding on the Appellant, the Designated Public Servant, the First Appellate Authority and the Second Appellate Authority.”

(viii) in sub-section (8), for the first paragraph, the following shall be substituted, namely:-

“(8) The First Appellate Authority, Second Appellate Authority and the Commission while deciding the first appeal, second appeal and third appeal as the case may be under this section shall have the same power as vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 in respect of any of the matters, namely:-”

Central
Act No V
of 1908

Amendment of
section 8 A

6. In the principal Act, in section 8A,

(i) for sub-section (3), the following shall be substituted, namely: -

“(3) The Chief Commissioner and the Commissioners of the Commission shall be appointed by the Governor on the recommendation of a Committee consisting of the following members, namely: -

- (a) the Chief Minister, who shall be the Chairperson of the Committee;
- (b) the Leader of Opposition in the Legislative Assembly; and
- (c) a Cabinet Minister to be nominated by the Chief Minister.

Explanation:- Where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of the Opposition.”;

(ii) for sub-section (5), the following shall be substituted, namely: -

“(5) The Chief Commissioner of the Commission shall be appointed from amongst the retired officers of the State Government or Central Government or All India Services Officers who had held a post not below the rank of a Principal Secretary to the Government of Assam having wide range of experience in the field of Public Administration.”;

(iii) for sub-section (6), the following shall be substituted, namely: -

“(6) Not less than one Commissioner shall be appointed from amongst the persons who have held a post not below the rank of a

Commissioner and Secretary to the Government of Assam. The other Commissioner shall be appointed from persons of eminence in public life with wide knowledge and experience in the field of Law, Science and Technology, Social Services, Management, Journalism and Mass Media.";

- (iv) for sub-section (7), the following shall be substituted, namely, -

"(7) The Chief Commissioner and the Commissioners of the Commission shall not be a Member of Parliament or Member of the Legislature of any State or Union Territory or hold any other Office of profit or connected with any political party or carrying on any business or pursuing any profession."

Amendment of
section 8 B

7. In the principal Act, in section 8 B,

- (i) in sub-section (1), in second line, for the word "five" appearing in between the words, "term of" and "years", the word "three" shall be substituted;

- (ii) for sub-section (2), the following shall be substituted, namely:-

"(2) The Chief Commissioner and every Commissioner shall hold office for a term of three years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Commissioner:

Provided that every Commissioner shall be eligible for appointment as the Chief Commissioner of the Commission on vacating office by the Chief Commissioner :

Provided further that when the Commissioner is appointed as the Chief Commissioner of the Commission, his term of office shall not be more than five years in aggregate as the Commissioner and the Chief Commissioner of the Commission:

Provided also that the Chief Commissioner or the Commissioner, who on the date of his appointment to the Commission, if was in the service of Central or State Government, he shall be deemed to have been retired from such service with effect from the date of his appointment as the Chief Commissioner or the Commissioner of the Commission."

(iii) in sub-section (4), for clause (a), the following shall be substituted, namely:—

“(a) The Chief Commissioner shall be of the rank of the Chief Secretary to the State Government.”

Amendment of
section 8 D

8. In the principal Act, in section 8D, in sub-section (1),

(i) for clause (b), the following shall be substituted, namely:-

“(b) recommend departmental inquiry against any Designated Public Servant or First Appellate Authority or Second Appellate Authority who have failed in due discharge of their duties under the Act.”

(ii) for clause (c), the following shall be substituted, namely:-

“(c) recommend for improvement in procedures for delivery of public services which shall make the service more transparent and easier.”

(iii) after sub-clause (d), the following new clauses shall be inserted, namely:-

“(e) recommend steps to be taken by the Public Authorities for further improvement in public services delivery;

(f) may issue suo-moto notices or take suo-moto cognizance in matters which are of grave nature;

(g) may suo-moto enquire or visit field for better functioning or implementation of this Act.”

Amendment of
section 9

9. In the principal Act, for section 9,-

“9. (1) If the First Appellate Authority is of the opinion that the Designated Public Servant has made default in providing the public service within the stipulated time limit without sufficient and reasonable cause, shall after recording reasons in writing, impose penalty which shall not be less than rupees hundred and exceed rupees five thousand :

Provided that, the Designated Public Servant shall be given a reasonable opportunity of being heard before any penalty is imposed on him by the First Appellate Authority:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Designated Public Servant.

- (2) If the Second Appellate Authority is of the opinion that the Designated Public Servant has made default in providing the public service within the stipulated time limit without sufficient and reasonable cause, after recording reasons in writing may vary the decision of the First Appellate Authority and may impose penalty, for not providing the particular notified services, within the stipulated time limit and may impose penalty which shall not be less than rupees hundred and exceed rupees seven thousand :

Provided that the Designated Public Servant and the First Appellate Authority shall be given a reasonable opportunity of being heard before any penalty is imposed on him by the Second Appellate Authority :

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Designated Public Servant or the First Appellate Authority.

- (3) If the Commission is of the opinion that,-

- (i) the Designated Public Servant has made default in providing the public service within the stipulated time limit without sufficient and reasonable cause, may vary the decision of the Second Appellate Authority after recording reasons in writing and shall impose penalty, for not providing the particular notified services within the stipulated time limit which shall not be less than rupees hundred and shall not exceed rupees ten thousand.
- (ii) the First Appellate Authority had failed to decide the appeal within the stipulated time limit without any sufficient and reasonable cause, or unduly tried to protect the erring Designated Public Servant, then the Commission shall impose a penalty which shall not be less than five hundred rupees and which may extend up to rupees five thousand.
- (iii) the Second Appellate Authority had failed to decide the appeal within the stipulated time limit without any sufficient and reasonable cause, or unduly tried to protect the erring Designated Public Servant, then the Commission shall impose a penalty which shall not be less than

rupees one thousand and which may extend up to rupees five thousand:

Provided that the Designated Public Servant, First Appellate Authority and Second Appellate Authority shall be given a reasonable opportunity of being heard before any penalty is imposed on them by the Commission:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Designated Public Servant, First Appellate Authority and Second Appellate Authority as the case may be."

Amendment of section 10 10. In the principal Act, for section 10, the following shall be substituted, namely :-

"10. The Commission shall communicate to the Designated Public Servant or the First Appellate Authority or the Second Appellate Authority, as well as the concerned Public Authority about the penalty imposed in writing. The Designated Public Servant shall pay the amount of penalty imposed, within a period of 30(thirty) days from the date of receipt of such communication, failing which the Competent Authority shall recover the amount of penalty imposed, from the salary of the concerned Designated Public Servant or the First Appellate Authority or the Second Appellate Authority, as the case may be, in the manner as may be prescribed."

Insertion of sections 10A, 10B, 10C, 10D and 10E 11. In the principal Act, after section 10, the following new sections shall be inserted, namely:-

"Allocation of Funds 10A. The funds for implementation of the provisions of this Act shall be allocated in the Annual Budget.

Monitoring of service delivery by the Public Authority and Training and Certification 10B. (1) The Public Authority shall take necessary and effective steps for monitoring the status of applications using the Unique Identification Number provided to the applicant and shall monitor the timely updation of the status of applications through digital or paper mode to the applicant who shall be able to monitor the status of his application in the manner as may be prescribed.

(2) The Public Authority shall, -

(i) develop organized training and certification programmes for advancement and equipping the Designated Public Servant and the Appellate Authorities with the provisions of the Act and rules made thereunder;

- (ii) to take part in the development and organization of programmes referred in clause (i) above and to undertake such programmes themselves;
 - (iii) promote timely and effective dissemination of accurate information by the Designated Public Servant about the notified services and timelines and the process for applications;
 - (iv) take such digital measures so that if no action or final decision has been taken by the First Appellate Authority and Second Appellate Authority within 30 (thirty) and 60 (sixty) working days respectively from the submission of the application for public services the said authority shall auto escalate the said appeal to the Commission.
- (3) The State Government shall issue directions time to time for effective implementation of the provisions of the Act, superintendence of the cases filed under the Act and for the inspection of the offices of the Concerned Authorities.
- Incentives 10C. (1) To encourage and enhance the efficiency of the Designated Public Servant, the Administrative Head may grant cash incentive of such amount along with a certificate of appreciation in such form as may be prescribed to a Designated Public Servant against whom no default is reported in a year and who is delivering Public services within the stipulated time limit and shall also make a corresponding entry in the service record of the concerned Officer.
- (2) The State Government may give appropriate award to the Public Authorities who perform best in achieving the purposes of this Act.
- Action against eligible person for giving false or frivolous information etc. 10D. If an eligible person deliberately gives false or frivolous information in the application or submits false documents along with the application and obtain the public services under this Act, an action shall be taken against him under the relevant provisions of panel laws in force.
- Sensitization of public service delivery 10E. Provision for a chapter on right to public service in High School text book shall be introduced for sensitizing and developing the culture to deliver public services in the manner, as may be prescribed.”

Repeal and Savings	12.	(1)	Assam Right to Public Services (Amendment) Ordinance, 2024 is hereby repealed.	Assam Ordinance No. II of 2024
		(2)	Notwithstanding such repeal. Anything done or any action taken under the said Act shall be deemed to have been validly done or taken under the corresponding provisions of this Act.	

GEETANJALI DAS SAIKIA,
Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 27th February, 2025

No. LGL.18/2012/81.- The following Act of the Assam Legislative Assembly which was assented by the Governor of Assam on 25th February, 2025 is hereby published for general information.

ASSAM ACT NO. II OF 2025

(Received the assent of the Hon'ble Governor on 25th February, 2025)

THE ASSAM RIGHT TO PUBLIC SERVICES (AMENDMENT) ACT, 2025

AN ACT

further to amend the Assam Right to Public Services Act, 2012.

Preamble

Whereas it is expedient to amend the Assam Right to Public Services, Act, 2012, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act
No. IX of
2012

It is hereby enacted in the Seventy- sixth year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Assam-Right to Public Services (Amendment) Act, 2025.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of section 8B

2. In the principal Act, in section 8B, in sub-section (2), in fourth line, in between the words and punctuation mark "is earlier," and "and shall", the words "and that the Commissioners appointed for the first time shall hold office for a fix tenure of 3(three) years from the date of taking over charge irrespective of their age" shall be inserted.

GEETANJALI DAS SAIKIA,

Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.